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OGC REVIEW COMPLETED

28 July 1955

25X1A9A

MEMORANDUM FOR: [REDACTED]

SUBJECT : Secrecy Oath for COMINT Indoctrination

1. At your request I have drafted a new approach to the question of an oath of secrecy. Since statements to the effect that "I have read", "I appreciate", "I understand" are not really subject to an oath as such, I have divided it into two sections. The first section is merely entitled Communications Intelligence Indoctrination which the individual signs in the presence of a witness. At the bottom of the page there is an Oath of Secrecy limited only to those matters properly subject to an oath.

2. As we have discussed, the question of who can administer the oath under all of the circumstances outlined by you would probably be a notary public. In certain cases, of course, authorized officers in military service could administer the oath. From a pure legal standpoint this oath is not required in order to subject the individual to the penalties of Section 798. However, the fact of indoctrination and an oath of secrecy would be valuable evidence in any prosecution. While it is highly unlikely that the question will be raised as to the authority of the person administering the oath, nevertheless it is possible the technicality would be raised and it is believed desirable that any such opportunities to raise technicalities should be avoided if at all possible.

3. Our discussions have indicated possibilities for adjustments to your regulations regarding communications intelligence in order to clearly bring the information desired to be protected within the purview of Section 798. While technical questions in this regard might not be raised, again it seems highly desirable that all possibilities should be eliminated. If this Office can assist in this regard, we shall be pleased to make specific suggestions upon request.

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[REDACTED]
Deputy General Counsel

Attachment

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OGC/JSW:mks

Orig & 1 - Addressee - 1 - Subject

CENTRAL INTELLIGENCE AGENCY

COMMUNICATIONS INTELLIGENCE Indoctrination

I have read Section 798 of Title 18 of the U. S. Code which specifically refers to the subject of communications intelligence. I am aware that there are special regulations of the Central Intelligence Agency entitled Communications Intelligence Regulations. I acknowledge that it is my responsibility to inform myself of the contents of those regulations as they pertain to performance of my duties. I appreciate that the preservation of communications intelligence sources are of the utmost importance to the United States and that the loss of such sources would be irreparable.

I have been informed that pursuant to law and as amplified by Agency regulations, I am not to discuss with or disclose to any person any information relating directly or indirectly to communications intelligence unless such person is currently authorized to discuss or receive such information or material of the particular category involved. By regulation I am aware that the responsibility of ascertaining that such an authorization for another person is valid and current, and that it is of appropriate scope, rests with me. I am aware further that if a change in my assignments or status renders it no longer necessary for me to receive communications intelligence, my name will be removed from the list of persons authorized to receive such material.

I hereby affirm my understanding that no change in my assignment or employment, including termination, will ever release me of my obligation under the oath signed below.

Signature

WITNESS:

OATH OF SECRECY

I do solemnly swear and declare upon my honor that I will not discuss with or disclose to any person, regardless of his official position or status, any information relating directly or indirectly to Communications Intelligence, any information derived therefrom, or the nature of the sources of such intelligence, unless such person has been authorized to discuss and handle Communications Intelligence, and his authorization has not been revoked.

I take this oath freely, without any mental reservation or purpose of evasion.

Signature

Subscribed and sworn to before me

this _____ day of _____, 19____.